

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

RAMSEY,

Defendant.

Case No. [13-cr-00286-SI-1](#)

**RE: STIPULATION AND PROPOSED
ORDER ON SENTENCE REDUCTION**

Re: Dkt. No. 45

In May 2014, the defendant was sentenced, in accordance with a Rule 11(C)(1)(c) plea, to a sentence of 60 months imprisonment for his offenses under 21 U.S.C. §§ 841(a)(1); 841(b)(1)(B)(vii); 841(b)(1)(C); and 856(a). This 60 month sentence equaled the mandatory minimum for the 21 U.S.C. § 841(a)(1) violation.

The Probation Office has filed a Sentence Reduction Investigation Report, recommending that a sentence at the low end of the new guideline range, 57 to 71 months. That Report states: "It is noted that because the defendant qualified for all five provisions listed at USSG § 5C1.2, the 'Safety Valve' provision, the Court is no longer bound by the statutory minimum sentence of 60 months in Count One." (Dkt. No. 46, at 3). The parties have filed a stipulation in support of a sentencing reduction in this case, based on the Sentence Reduction Investigation Report. (Dkt. No. 45). They ask this Court to order a reduction from 60 months to 57 months effective November 1, 2015, pursuant to 18 U.S.C. § 3582(c), U.S.S.G § 1B1.10(b)(1), and Amendment 782 to the United States Sentencing Guidelines Manual.

18 U.S.C. 3582(c)(2) permits a sentence modification "in the case of a defendant who has been sentenced to a term of imprisonment *based on a sentencing range* that has subsequently been lowered by the Sentencing Commission ... after considering the factors set forth in [18 U.S.C.]

1 section 3553(a) to the extent that they are applicable, if such a reduction is consistent with
2 applicable policy statements issued by the Sentencing Commission.” 18 U.S.C. § 3582(c)(2)
3 (emphasis added).

4 Had the defendant not been eligible for the Safety Valve provision, a 57 month sentence
5 would not have been an option. The parties' stipulation did not discuss the Safety Valve provision,
6 but the stipulation did refer to and accept the Sentence Reduction Investigation Report.

7 Accordingly, based on the additional finding that defendant is Safety Valve eligible, the
8 Court will accept the parties' stipulation and will execute the proposed amended judgment when
9 the parties submit it to the Court.

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11 **IT IS SO ORDERED.**

12 Dated: September 18, 2015

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SUSAN ILLSTON
15 United States District Judge
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